

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 3056 of 2018**

- Mansha Ram Nishad S/o Shri Kanwal Singh Nishad Aged About 32 Years R/o Vilage Amagadh, Block - Durgukodal, District Kanker Chhattisgarh

---- Petitioner**Versus**

- Chhattisgarh Madhyamik Shiksha Mandal, Raipur Through The Secretary, Chhattisgarh Madhayamik Shiksha Mandal, Pension Bada, Tagore Nagar, Raipur District Raipur Chhattisgarh

---- Respondent

For Petitioner
For Respondent

Mr. Jeet Patel, Advocate
Mr. Alok Bakshi, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****12/11/2018**

1. Heard.
2. The petitioner is seeking correction of date of birth in his mark-sheet of Class X issued by the respondent- Chhattisgarh Board of Secondary Education in the examination conducted in the year 2002.
3. It is not disputed that according to the Board's guidelines, prayer for correction of date of birth has to be made within 3 years from the date of issuance of mark-sheet.

4. In other cases, where the prayer is for seeking correction of other details, except date of birth, the application could be made within a period of 20 years from the date of declaration of result.
5. Admittedly, the petitioner has made the prayer for correction of date of birth on 26.9.2015, which is after about 13 years from the date when the mark sheet was issued in his favour.
6. In the matter of **Sudhir Ram Bhagat Vs. Secretary, Madhyamik Shiksha Mandal, Raipur and another, 2009 (3) CGLJ 103**, it has been held that when the Board's Regulations provide for limitation for moving an application for correction of date of birth, such prayer cannot be allowed after the period of limitation is over.
7. In the matter of **Board of Secondary Education of Assam Vs. Md. Sarifuz Zaman and others, (2003) 12 SCC 408**, it has been held as under :

“10. Nobody can claim a right to have an entry corrected in a certificate solemnly issued by an educational institution, that too the one enjoying the status of a statutory Board under the Act. The right of the applicant to have an error or mistake corrected is accompanied by a duty or obligation on the part of the Board to correct its records and the certificate issued by it. Not only it is a corresponding duty or obligation, it has also to be perceived as a power exercisable by the Board to correct an entry appearing in the certificate issued by it. People, institutions and government departments, etc. - all attach a very high

degree of reliability, near finality, to the entries made in the certificates issued by the Board. The frequent exercise of power to correct entries in certificates and that too without any limitation on exercise of such power would render the power itself arbitrary and may result in eroding the credibility of certificates issued by the Board. We, therefore, find it difficult to uphold the contention that the applicants seeking correction of entries in such certificates have any such right or vested right.

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12. Delay defeats discretion and loss of limitation destroys the remedy itself. Delay amounting to laches results in benefit of discretionary power being denied on principles of equity. Loss of limitation resulting into depriving of the remedy, is a principle based on public policy and utility and not equity alone. There ought to be a limit of time by which human affairs stand settled and uncertainty is lost. Regulation 8 confers a right on the applicant and a power coupled with an obligation on the Board to make correction in the date of birth subject to the ground of wrong calculation or clerical error being made out. A reasonable procedure has been prescribed for processing the application through the Inspector of Schools who would verify the school records and submit report to the Board so as to exclude from consideration the claims others than those permissible within the framework of Regulation 8. Power to pass order for correction is vested on a high functionary like Secretary of the Board. An inaccuracy creeping in at the stage of writing the certificates only, though all other prior documents are correct in all respects, is capable of being corrected within a period of three years from the date of

issuance of certificate.”

8. In view of the above, in the present case, since the time allowed by the Board's Regulation for moving an application for correction of date of birth having already expired, there is no right in favour of the petitioner to seek a prayer for correction of an entry concerning the date of birth.
9. The petitioner has to take recourse to the appropriate civil remedy as available to her under the law, as observed by this Court in **Sudhir Ram Bhagat (supra)**.
10. Accordingly, the writ petition is dismissed, however, subject to the liberty reserved in favour of the petitioner.

Sd/-

(Prashant Kumar Mishra)

Judge

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